

**To:** [epa@BulletinIntelligence.com](mailto:epa@BulletinIntelligence.com)[[epa@BulletinIntelligence.com](mailto:epa@BulletinIntelligence.com)]  
**From:** Bulletin Intelligence  
**Sent:** Wed 2/1/2017 11:55:26 AM  
**Subject:** EPA Daily News Briefing for Wednesday, February 1, 2017  
[epaNewsBriefing170201.doc](#)

Mobile version and searchable archives available at [epa.bulletinintelligence.com](http://epa.bulletinintelligence.com).

TO: ADMINISTRATOR AND SENIOR EXECUTIVES  
DATE: WEDNESDAY, FEBRUARY 1, 2017 7:00 AM EST

## TODAY'S TABLE OF CONTENTS

### Administrator

- [Senate Dems Thwarted In Effort To Delay Pruitt's Confirmation. \(HILL, WSJ, GWIRE\)](#)
  - [Sen. Barrasso: Pruitt Will Restore EPA's Original Mission. \(USAT\)](#)
- [Whitman Say Pruitt May Face Difficulty Working With Career EPA Staff. \(TIME\)](#)
- [USA Today: Pruitt's Stance On Climate Change Is Unacceptable. \(USAT\)](#)

### Brownfields/Superfund/Other Cleanups

- [Additional Reading.](#)
  - [EPA Says Cleaning Up Eighteen Mile Creek In Lockport May Start In 2018. \(BUFN\)](#)

### Budget

- [Concern Over How EPA Cutbacks Will Impact Oregon DEQ. \(KGWTV\)](#)

### Climate Change

- [Spicer Skirts Questions On Trump Administration's Climate Actions. \(EEPUB\)](#)
- [California Scientists Urge Trump To Continue Fighting Climate Change. \(SACBEE\)](#)
- [EPA Endangerment Finding Could Be Targeted For Reversal Under Trump Administration. \(EEPUB\)](#)
- [Mann: Climate Change Denial Lives On. \(HILL\)](#)

### International

- [Additional Reading.](#)
  - [Air Pollution Crisis 'Plagues' UK, Finds UN Human Rights Expert. \(GUARD\)](#)

### Other News

- [Some Veteran EPA Officials Say Coverage Of EPA Social Media Ban Has Been Overblown. \(BLOOMBNA\)](#)
- [Former Sen. Benton To Assume Permanent Role At EPA. \(CENTCHR\)](#)
- [Freshman Lawmaker Drafting Bill To Abolish EPA. \(HILL\)](#)
- [Perry Receives Bipartisan Support In Approval By Senate Committee. \(HILL, AP, WT, MCT, FUELFIX, HC, DMN, ALBQJRN, CARLSBAD, LVSRJ\)](#)
- [Trump Team Overhauling DOE Policy Office. \(GWIRE\)](#)
  - [DOE Adds Political Hires To Policy Office. \(EPPM\)](#)
- [Additional Reading.](#)
  - [Remember That Time When Neil Gorsuch's Mother Tried To Dismantle The EPA? \(GMA\)](#)

### Rules/Regulations/Policy

- [Analysts Consider Implications Of Trump's "One In, Two Out" Order. \(EEDAY\)](#)
- [Valero Sees Continuation Of High Biofuels Compliance Costs. \(REU\)](#)

### Toxics/TSCA

- [Researchers Say They Found Toxic Chemicals In Fast-Food Packaging. \(DENP\)](#)

### Water

- [Flint-Area Residents Say EPA At Fault For Water Crisis In \\$700M Lawsuit. \(AP, REU, CALLER\)](#)
  - [Flint Water Contamination EPA Lawsuit. \(WJLATV, NEWS12NJ, WNC8TV\)](#)
- [Flint Water Spending For Early Education Program Lacked Documentation. \(FREEP, MLIVE\)](#)
- [Flint Water Crisis Continues To Impact Children's Health. \(CNN\)](#)

## Administrator

## **Senate Dems Thwarted In Effort To Delay Pruitt's Confirmation.**

The Hill (1/31, Cama) reports that Sen. Tom Carper, the ranking Democrat on the Environment and Public Works Committee, made a plea to the panel chairman John Barrasso to delay the vote on Scott Pruitt's nomination to lead the EPA, stating that the Democrats are "deeply concerned" about the answers that Pruitt...gave to questions the senators asked him in writing." Sen. Barrasso declined to delay the vote, stating that if a Republican president nominates "good people, honest people, hard-working people," they should be confirmed by the Senate.

The Wall Street Journal (1/31, Harder) reports that Senate Democrats are considering a boycott of the final vote on Scott Pruitt. The rules for confirmation require a quorum of seven senators to be present for the vote, two of which must come from the minority party. The article notes that President Obama's EPA nominee Gina McCarthy had her confirmation delayed when the GOP conducted a similar boycott. Greenwire (1/31, Bogardus) reports that Sen. Carper said the Democrats were "deeply concerned about the lack of thoroughness of Mr. Pruitt's responses to our questions for the record." In response, Sen. Barrasso said the Democrats were only trying to stall Pruitt's confirmation.

**Sen. Barrasso: Pruitt Will Restore EPA's Original Mission.** In an op-ed in USA Today, (1/31, Barrasso) Sen. John Barrasso cites the Gold King Mine spill as evidence of the EPA's overreach, and concludes that Scott Pruitt is the right man to restore the agency to its "original focus." He says Pruitt is "committed to protecting the environment — ensuring clean air, water and land — while allowing the American economy to grow."

## **Whitman Say Pruitt May Face Difficulty Working With Career EPA Staff.**

TIME (1/31) reports that President George W. Bush's first EPA administrator Christine Todd Whitman in an interview criticized nominee Scott Pruitt before Wednesday's confirmation vote. "He's really someone who doesn't believe in the mission of the agency," Whitman says. "It puts him in the presumption of an adversarial position with the career staff, which is going to make it difficult to do anything."

## **USA Today: Pruitt's Stance On Climate Change Is Unacceptable.**

A USA Today (1/31) editorial criticizes Pruitt for his refusal to answer whether he believed human activity was linked to climate change. Instead, Pruitt said his "personal opinion is immaterial." Today concludes that "when the future of the planet is on the line, the choice of someone so openly hostile to the EPA's mission is unacceptable."

## **Brownfields/Superfund/Other Cleanups**

### **Additional Reading.**

- **EPA Says Cleaning Up Eighteen Mile Creek In Lockport May Start In 2018.** Buffalo (NY) News. (1/31)

## **Budget**

### **Concern Over How EPA Cutbacks Will Impact Oregon DEQ.**

KGW-TV Portland, OR (1/31) reports that the Oregon Department of Environmental Quality is

concerned that proposed cuts to the federal EPA under the Trump administration would cut off the department's access to research, communications and budget, and would "impact its ability to monitor environmental health hazards in Oregon." The Oregon DEQ currently relies on the EPA for 10 percent of its budget and \$30 million in federal grants annually.

## **Climate Change**

### **Spicer Skirts Questions On Trump Administration's Climate Actions.**

E&E Publishing (1/31, Bravender) reports White House spokesman Sean Spicer on Tuesday declined to discuss the Trump Administration's plans to change Obama administration climate policies, though "President Trump has said he'll eliminate the Clean Power Plan" and some supporters hope he "will go even further by eliminating the so-called endangerment finding that underpins U.S. EPA's authority to crack down on greenhouse gases using the Clean Air Act." When asked about the Clean Power Plan, Spicer said the Administration is "in the process of reviewing all of our energy policies," adding that Trump "has been very clear with respect to energy policy that he wants to review all of the options that we have to use our natural resources to better the country in terms of wind power, solar, clean coal." He also criticized Senate Democrats, saying, "I'd go back to note that we don't have an Energy secretary confirmed right now because the Senate hasn't yet moved forward. ... I hope that once that's done, we will have further updates on energy."

### **California Scientists Urge Trump To Continue Fighting Climate Change.**

The Sacramento (CA) Bee (1/31, Ashton) reports that more than 2,300 California scientists signed an open letter to President Trump urging his administration to maintain policies focused on reducing greenhouse gas emissions. "Despite misleading portrayals, there is widespread consensus in the scientific and academic communities that human-caused climate change is real, with consequences that are already being felt," reads the letter.

### **EPA Endangerment Finding Could Be Targeted For Reversal Under Trump Administration.**

E&E Publishing (1/31) reports that sources say the Trump administration is still considering options to attempt to reverse the EPA's endangerment finding of 2009. The endangerment finding is "a legal footing to require sectors across the economy to reduce" greenhouse gas emissions. However, to conservative opponents of climate action, reversing the finding is "the only way to permanently prevent future carbon regulations." A spokesman with the EPA beachhead team said that efforts to rollback the finding "could lead to a bitter fight electorally and in the courts with no promise of victory," and its partisan consequences could spill over into "U.S. diplomatic circles and energy research efforts."

### **Mann: Climate Change Denial Lives On.**

Pennsylvania State University atmospheric science professor and Penn State Earth System Science Center director Michael E. Mann argues in a post for The Hill's (1/31, Mann) "Pundits Blog" that climate scientists believed last fall that the time to deny climate change "is over," but "our new president, Donald Trump, has, of course, infamously dismissed global warming as a Chinese hoax." Trump is assembling "a climate change denial dream team to run his administration," prompting "a massive effort to archive government climate data before the incoming Trump administration can engage in any mischief." According to Mann, Trump "cannot hold back the tide of history" because "the transition away from fossil fuels toward renewable energy is, as my friend Bill Nye says, 'unstoppable.'" While the US and the World "may have to withstand a vacuum in climate leadership at the national level for the next several years," further "delays in efforts to

reduce greenhouse gas emissions might well commit us to more than six feet of sea level rise and massive coastal flooding, more devastating storms, historic deluges and crippling summer heat and drought.”

## **International**

### **Additional Reading.**

- **Air Pollution Crisis ‘Plagues’ UK, Finds UN Human Rights Expert.** The Guardian (UK). (1/31, Carrington)

## **Other News**

### **Some Veteran EPA Officials Say Coverage Of EPA Social Media Ban Has Been Overblown.**

Bloomberg BNA (1/31, Dabbs) reports that some veteran EPA officials that worked under Republican administrations are pushing back against the coverage of the EPA social-media freeze as out of the ordinary. Instead, they told Bloomberg that “all transition teams implement a communication freeze of varying degrees to shore up new agency messaging.” Jeff Holmstead, an attorney with Bracewell LLP who joined the second Bush’s EPA, said he didn’t want to sound cynical, but “said environmental groups create hysteria in order to gin up opposition and entice fundraising.” Meanwhile, some other EPA officials say it is the media freeze “coupled with long-standing rhetoric” critical of the agency that is creating “unprecedented concern among agency officials and the public.”

### **Former Sen. Benton To Assume Permanent Role At EPA.**

The Centralia (WA) Chronicle (1/31) reports that former Washington state Sen. Don Benton, a member of the EPA transition team, announced on Friday that he will take on a permanent role as Senior White House Advisor to the EPA. Benton cited his time as director of Clark County’s now-defunct Department of Environmental Services, where he “said he was able to cut the department’s budget by 25 percent while winning more awards than the department had in the past.” According to Benton, “I know how to reduce costs and increase success, which I’m sure is part of the reason Trump asked me to do this.”

### **Freshman Lawmaker Drafting Bill To Abolish EPA.**

The Hill (1/31, Cama) reports that freshman Rep. Matt Gaetz (R-Fla.) is working on legislation aimed at completely abolishing the EPA. In a letter soliciting support from other lawmakers, Rep. Gaetz wrote, “Today, the American people are drowning in rules and regulations promulgated by unelected bureaucrats; and the Environmental Protection Agency has become an extraordinary offender.”

### **Perry Receives Bipartisan Support In Approval By Senate Committee.**

The Senate Energy and Natural Resources Committee on Tuesday approved the nomination of former Texas Gov. Rick Perry to be the next energy secretary. The Hill (1/31, Henry) reports the committee voted 16-7 in favor of Perry, “sending it to the full Senate.” The AP (1/31, Fram) also reports Rep. Ryan Zinke was also approved by the committee by a vote of 16-6.

The Washington Times (1/31, Wolfgang) reports while Perry received “some bipartisan support,” some Democrats believed he was “the wrong choice for the department.” Sen. Maria

Cantwell said, "I looked at his record as Texas governor ... he also chose to spend much of his agenda trying to add 11 new coal plants and suing the EPA at every chance he could." Sen. Joe Manchin was among the Democrats that voted in favor of Perry. McClatchy (1/31, Daugherty) reports other Democrats supporting Perry were: "Debbie Stabenow of Michigan, Catherine Cortez Masto of Nevada and independent Angus King of Maine." His nomination was supported by every Republican on the panel. After the vote, Cantwell expressed concern "over the Trump administration's desire to eliminate certain offices in the Energy Department." Cantwell stated, "The electricity efficiency and energy efficiency programs that have been supported by the last two administrations are now in question." Perry didn't "offer public remarks on Tuesday," but during his confirmation hearing he "said he regretted 2011 statements in which he'd advocated abolishing the Energy Department." Fuel Fix (TX) (1/31) notes that during his confirmation hearing Perry "pulled back on his more controversial positions...seemingly charming his critics with the sense of humor that helped make him one of the state's most successful politicians."

The Houston Chronicle (1/31, Osborne) reports a "final vote" by the full Senate hasn't been scheduled yet for Perry or Zinke, chairwoman of the committee Sen. Lisa Murkowski, "said she expects quick action because the pair had drawn 'less controversy' than other nominees." Murkowski told reporters, "The bipartisan support will be attractive." On Tuesday, Texas Sen. John Cornyn said in a statement, "Under Rick Perry's leadership, Texas experienced innovative growth in our energy sector, which translated to more jobs and lower prices for families across our state. ... I'm confident he'll replicate this success at a national level and help launch the next great era in American energy production." The Dallas Morning News (1/31) reports the bipartisan vote is a signal "that the only outstanding question surrounding the former Texas governor is by how big of a margin he will be confirmed in the full chamber."

The Albuquerque (NM) Journal (1/31, Coleman) reports Sen. Martin Heinrich of New Mexico voted against the nomination of Perry "to lead the Department of Energy, which oversees work at New Mexico's nuclear laboratories." His vote isn't a surprise as he previously called Perry "utterly unqualified" to head the department. Heinrich stated, "Since the Trump Administration took office, we have seen executive order after executive order that ignores the will of the American people. ... While Gov. Perry walked back his intent to eliminate the Department of Energy, the Trump Administration almost simultaneously floated plans for deep budget cuts that threaten critical missions there." The Carlsbad (NM) Current-Argus (1/31, Hayden) reports, "New Mexico is home to two of the country's national laboratories: Sandia and Los Alamos, and the Waste Isolation Pilot Plant, the nation's only underground nuclear waste repository." Heinrich added, "With 25,000 New Mexicans contributing to these important Department of Energy missions, we cannot have any doubts about a nominee's willingness or ability to defend the agency and its work."

The Las Vegas Review-Journal (1/31, Martin) reports Sen. Cortez Masto, a freshman Democrat, said, "I am encouraged by the fact that when he ran for president he stated his support for consent-based (s)iting and spoke against Yucca Mountain, arguing that if Nevadans do not want a nuclear repository, then they should not have it."

### **Trump Team Overhauling DOE Policy Office.**

Greenwire (1/31, Bravender) reports that career employees in DOE's Office of the Undersecretary for Science and Energy "were told last week that they'd be reassigned and given the indication that the office could be eliminated," according to an unnamed DOE official. The elimination of the office is being undertaken before a Senate-confirmed secretary is in place. "Dismantling this structure is a clear indication that this new team doesn't value coordinated science and energy research," that person said. "These are decisions that should be made by Senate-confirmed leadership of the department, not by politically chosen people." Greenwire reports that because the Obama-era reorganization creating the office was undertaken without explicit budget authority, other policy

offices could similarly be eliminated. DOE spokeswoman Lindsey Geisler said in a statement, “Consistent with each new administration, there is a change in leadership staff offices.”

**DOE Adds Political Hires To Policy Office.** E&E News PM (1/31, Northey) reports DOE is continuing to onboard political hires as part of its transition. Campaign directors Wells Griffith and Suzie Jaworowski appear set to join the Office of the Undersecretary for Science and Energy. Institute for Energy Research economist Travis Fisher, Livingston Group consultant Mark Maddox, Safari Club International deputy director of government affairs William Greene, and former staffer on the Senate Energy and Natural Resources Committee Tristan Abbey will remain in place. “According to an internal DOE memo obtained by E&E News, Patricia Hoffman will be the new office’s acting undersecretary for science and energy, Marcos Gonzales Harsha will be acting chief of staff,” and Fisher, Maddox, Jaworowski and Abbey will join the office.

### **Additional Reading.**

- **Remember That Time When Neil Gorsuch’s Mother Tried To Dismantle The EPA?** Grist. (1/31)

## **Rules/Regulations/Policy**

### **Analysts Consider Implications Of Trump’s “One In, Two Out” Order.**

E&E Daily (1/31) reports that President Trump signed an executive order that “combines two regulatory reform measures that have seldom been paired” and have “mostly been theoretical concepts” with the “one in, two out” or “pay-go” requirement that agencies slash two rules for every new one. The regulatory budget “would allow the president to cap regulations at a certain dollar amount per year,” an amount that is zero for 2017, but the executive order “cannot override statutory demands,” so the order “will therefore be most applicable to discretionary rulemaking,” E&E explains. “The number of things that this is going to apply to is relatively small — not zero, but small,” says former Office of Information and Regulatory Affairs official Stuart Shapiro. “He promised it during the campaign, and he wants to be able to say that he did it.” E&E reports, Congress approves the fiscal budget, but under the order, the regulatory budget would be set by the executive branch, which “may inspire Congress to take up legislation that would transfer that power to lawmakers.” Jim Tozzi, who helped develop the regulatory budget idea during the Carter Administration, said “a regulatory budget sets a limit on the total cost of regulation that the EPA can impose,” he said. “That’s a huge change in the way the government operates.”

### **Valero Sees Continuation Of High Biofuels Compliance Costs.**

Reuters (1/31, Prentice) reports Valero on Tuesday “said it expects its costs to meet annual biofuel blending targets required through the Renewable Fuel Standard (RFS) to be similar in 2017 to the \$749 million last year.” The “record high costs” to comply with the US renewable fuels program “come at a tumultuous time for the Environmental Protection Agency (EPA), which oversees the program,” as President Trump “has pledged to slash costly regulations.”

## **Toxics/TSCA**

### **Researchers Say They Found Toxic Chemicals In Fast-Food Packaging.**

The Denver Post (2/1, Finley) reports that a study conducted in conjunction with the Environmental Protection Agency found that “toxic chemicals similar to those contaminating groundwater south of Colorado Springs also are showing up in fast-food wrappers.” Researchers discovered




“perfluorinated chemicals (PFCs) in grease-resistant wrappers” and other packaging for fast food. They warned that these “chemicals can leach into food, potentially reaching consumers,” and urged “companies to find safe alternative packaging.” The article points out that last year, the FDA “banned three grease-resistant PFCs, including one, PFOA,” that the researchers found in fast food packaging.

## **Water**

### **Flint-Area Residents Say EPA At Fault For Water Crisis In \$700M Lawsuit.**

The AP (1/31) reports that more than 1,700-Flint area residents filed a complaint against the EPA over its handling of the city’s water crisis. The plaintiffs are seeking \$722.4 million in “health and property damages” they claim were a result of the EPA’s failure to “follow several specific agency mandates and directives.” Moreover, they say the EPA “failed to immediately determine if local and state officials were taking proper steps to address the crisis.” Reuters (1/31, Whitcomb) reports that the 30-page lawsuit reads, “Local, state and federal agencies and employees, working individually and at times in concert with each other, mismanaged this environmental catastrophe.”

The Daily Caller (1/31, White) reports that although Michigan officials were the ones to switch the city’s water supply from Lake Huron to the Flint River “in a bid to save money,” the plaintiffs claim “the state applied the wrong regulations and standards for drinking water, which ultimately resulted in corroded pipes.”

**Flint Water Contamination EPA Lawsuit.** WJLA-TV  Washington (1/31, 5:10 p.m. EST) reported, “1,700 residents of Flint, Michigan, are suing the federal government for \$722 million. The plaintiffs say the Environmental Protection Agency should have done a better job responding to the city’s water crisis. The lawsuit accuses the EPA of failing to make sure that Flint complied with the Safe Drinking Water Act.” 12-TV  New Jersey (1/31, 4:49 p.m. EST) reported, “They say the agency, quote, failed to follow several specific agency mandates and directives. The EPA is not commenting on the pending lawsuit.” WNC8-TV  Washington (1/31, 7:38 p.m. EST) reported similar coverage.

### **Flint Water Spending For Early Education Program Lacked Documentation.**

The Detroit Free Press (1/31, Egan) reports Auditor General Doug Ringler said in a report released Tuesday that “half a million dollars spent on an early childhood education program in Flint, using emergency money approved by the Legislature for the Flint drinking water crisis, lacked documentation to show the money was spent properly.” The report “identified few issues with the way emergency money for Flint has been spent” but “cited a lack of documentation for just over \$500,000 of the roughly \$2 million sent to the Genesee Intermediate School District to provide Early On services to Flint children affected by the lead contamination.”

MLive (MI) (1/31, Fonger) also reports.

### **Flint Water Crisis Continues To Impact Children’s Health.**

CNN (1/31, Gullledge) reports that children who were exposed to lead-contaminated water in Flint, Michigan continue to suffer the effects of lead poisoning, including developmental issues. The Community Foundation of Greater Flint “created the Flint Child Health and Development Fund at the beginning of the water crisis to aid children exposed to lead.” Foundation President Kathi Horton said, “We have committed to raising money over the next 10 to 20 years in order to have resources to follow these children into adulthood because sometimes it takes years for the impact

of lead exposure to manifest itself.”

**Copyright 2017 by Bulletin Intelligence LLC** Reproduction or redistribution without permission prohibited.

Content is drawn from thousands of newspapers, national magazines, national and local television programs, radio broadcasts, social-media platforms and additional forms of open-source data. Sources for Bulletin Intelligence audience-size estimates include Scarborough, GfK MRI, comScore, Nielsen, and the Audit Bureau of Circulation. Services that include Twitter data are governed by Twitters’ [terms of use](#). Services that include Factiva content are governed by Factiva’s [terms of use](#). The EPA Daily News Briefing is published five days a week by Bulletin Intelligence, which creates custom briefings for government and corporate leaders. We can be found on the Web at [BulletinIntelligence.com](http://BulletinIntelligence.com), or called at (703) 483-6100.